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January 17, 2011

Senate Local Govt. Comm.
Exhibit No. 22
Date 1-17-2011
Bill No. SB 117

Senator Jon Sonju, Chair, and Members of the Senate Local Government Committee

Re: Pass SB117, Local Government/Federal Coordination

Federal Laws require agencies implementing those laws to coordinate their plans and projects with State and Local Governments. Some of the laws that affect Montana most are the Federal Land Management Planning Act (FLPMA), National Forest Management Act (NFMA), and the National Environmental Policy Act (NEPA). Other federal programs who partner with the US Forest Service and Bureau of Land Management to implement their programs under these laws (such as US Fish and Wildlife Service Endangered Species program) are linked to these federal coordination requirements.

Federal agencies have generally not initiated formal coordination with state and local governments required by federal laws, instead they rely on NEPA studies where local governments are permitted to comment and even to be "co-operating agencies" where more detailed input can be considered. Federal decisions in the last 10-20 years resulting from the NEPA process have not respond to local needs and inputs. That is why we have lost so much public and industry access to federal lands and resources in Montana. Coordination laws change the landscape by requiring federal agencies to prove why they cannot meet local needs requested in the coordination process.

State and local governments have generally not invoked formal coordination with federal agencies in past decades due to the fact that was no need for it. National Forest and BLM lands used to produce recreation and economic benefits that local communities required. That is no longer the case, and more restrictions on use of federal lands are looming every day while the federal estate in Montana is increasing at alarming rates. If state and local governments are to meet the needs of Montanans in the future, they must become more proactive in dealing with federal cram-down programs.

Senator Hinkle's Bill, SB 117, simply makes it a State Policy for local governments to consider invoking formal coordination defined by existing federal laws as a means of serving their constituents and to provide for citizen's to be informed and participate in the coordination process. This bill is needed to raise awareness of local governments of their right to coordinate federal plans and actions with their needs. Local government authorities are defined by MCA 7-3-122(1). Any local government that is run by elected officials (such as school districts, conservation districts, irrigation districts) have coordination rights under federal law, but many do not know of their rights. SB 117 is timely as all Montana citizens begin to see and understand the adverse effects of incremental, cumulative federal cram-down policies and programs to Montana's economy, custom and culture, and quality of life.

Please pass SB 117.

Respectfully,

Fred D. Hodgeboom, President
Montanans For Multiple Use
406.837-1363